

Subcommittee on Interim Strong Mayor

Staff Briefing on Charter Review in Future
by James Ingram

The Subcommittee requested research regarding the issue of whether San Diego's Charter should be amended to provide that the City will automatically convene a charter review panel on a regular basis.

At this point, the staff has found that some cities do presently include such provisions in their charters. Among the 10 largest cities (and the largest strong mayor cities) in the country, we found that Detroit provides for periodic charter review. Among the largest California cities, we found that Riverside provides such a process. Portland, Oregon is a major American city, and is in fact alone among the nation's larger municipalities in that it still uses the old commission plan charter; regardless of its archaic practices otherwise, Portland did act in May 2007 to institute a periodic charter review process in its charter. Finally, some smaller cities have occasionally established such a process, as we found for Clearwater, Florida. If the Subcommittee would like, staff can survey all of the largest strong mayor cities in the country, as well as the largest California cities. However, it seemed appropriate to present the preliminary results of our research, since this item has come up for discussion under the work-plan of this Subcommittee.

Staff Analysis

Three of the four cities surveyed so far provide that the charter review panel members shall be appointed, but Detroit's charter establishes an elected body. Two of the four cities require the City Council to place the charter review panel's recommendations before the voters, although Clearwater gives its council discretion (The specific operations of Detroit's charter review panel appear to be prescribed by Michigan's Home Rule Cities Incorporation Act).

Relevant Charter Sections from Other Cities

Portland, Oregon

Chapter 13: Charter Revision and Interpretation

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Article 3. Provide for Periodic Charter Review

Section 13-301. Charter Commission. From time to time, but no less frequently than every 10 years, the Council shall convene a Charter review commission ("Charter Commission") to review and recommend amendments to this Charter provided, however, that the first Charter Commission shall be convened no later than two (2) years after the effective date of this Article. The Charter Commission shall be reflective of the City in terms of its racial and ethnic diversity, age and geography. It shall be comprised of twenty (20) residents of the City. Each member of the Council shall nominate 4 Charter Commission members who shall be subject to confirmation by the Council. The Charter Commission shall determine its own rules of procedure. No member of the Charter Commission shall serve as an elective officer of the City during his or her service on the Charter Commission. The Mayor or Council may request that the Charter Commission review specific sections of the Charter, but the work and recommendations of the Charter Commission shall not be subject to such specific sections. The Commission shall provide a written report of its findings to the City Council.

Section 13-302. Submission to Voters. All Charter amendments proposed by the Charter Commission supported by an affirmative vote of at least fifteen (15) members of the Charter Commission. After a public hearing process prescribed by the Council, shall be submitted to the voters of the City of Portland at the next primary or general election that is at least 120 days after the date the recommendations are presented to the City Council. All Charter amendments proposed by the Charter Commission supported by an affirmative vote of a majority but less than fifteen (15) members of the Charter Commission shall be considered as recommendations to the City Council. The Council may, but is not required to, refer such proposed amendments to the voters of the City of Portland.

Section 13-303. Effective Date. This Article 3 of Chapter 13 shall take effect on January 1, 2009."

Riverside, California

"Sec. 1403. Charter Review Committee.

In February 2004, and in February every eight years thereafter, the City Council shall appoint and appropriate adequate funds for a Charter Review Committee. The Charter Review Committee shall have the power and duty to:

(a) Recommend to the City Council which, if any, Charter amendments should be placed on the ballot at the next regular municipal election for Mayor.

(b) Hold public meetings to receive input on proposed Charter amendments.

(c) Present a final report with its recommendations to the City Council by the last Tuesday in May preceding the next regular municipal election for Mayor. It may, in its discretion, make interim reports to the City Council.

The City Council shall act upon the recommendations of the Charter Review Committee prior to the last day to place measures on the ballot for the next regular municipal election for Mayor.

The City Council may appoint Charter Review Committees more often if it desires."

Detroit, Michigan

"Sec. 9-403. Revision question.

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Detroit at the gubernatorial primary of 2018, and at every fourth (4th) gubernatorial primary thereafter and may be submitted at other times in the manner provided by law. A primary election shall be held for the offices of Charter Revision Commissioners at the same election and shall be void if the proposition to revise is not adopted. If the proposition to revise is adopted, Charter Revision Commissioners shall be elected at the ensuing general election for governor."

Clearwater, Florida

"Section 7.02. Charter review advisory committee.

The council shall appoint a charter review advisory committee in January, 1994, and at least every five years thereafter provided the appointments are made in January of a year preceding a city election. The charter review advisory committee shall be composed of not less than ten members. It shall review the existing charter and make recommendations to the council for revisions thereto."